

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA .
vs. . H-10-CR-512
. HOUSTON, TEXAS
. JANUARY 18, 2011
. 10:46 A.M.
THOR ALEXANDER MORRIS .
.

TRANSCRIPT OF REARRAIGNMENT
BEFORE THE HONORABLE VANESSA GILMORE
UNITED STATES DISTRICT JUDGE

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*General Order 94-15, United States District
Court, Southern District of Texas.*

A P P E A R A N C E S:

FOR THE GOVERNMENT:

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FOR THE DEFENDANT:

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Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 A P P E A R A N C E S: (Continued)

2 OFFICIAL COURT REPORTER:

3 Cheryll K. Barron, CSR, CM, FCRR
4 U.S. District Court
5 515 Rusk Street
Houston, TX 77002

6 ALSO PRESENT:

7 Defendant Thor Alexander Morris

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P R O C E E D I N G S

THE COURT: The United States of America versus Thor Alexander Morris.

MS. ELMILADY: Suzanne --

THE COURT: I'm sorry. For the United States.

MS. ELMILADY: Suzanne Elmilady. Good morning, your Honor.

THE COURT: Good morning.

And for the defendant?

MR. CASE: For the defendant, Kelly Case, your Honor.

THE COURT: Okay. Mr. Case.

All right. Mr. Morris, I understand you wish to enter a plea of guilty in the case now pending against you in this court. Is that correct, sir?

THE DEFENDANT: I don't know, your Honor.

MR. CASE: Actually, your Honor, he has had a change of heart. I learned this early -- it's hard for me to remember -- Saturday or Sunday. So, I'm advising the Court he would like more time to consider his options.

THE COURT: And we are set for trial today.

MR. CASE: Yes. I've explained this to him. I know.

THE COURT: This is your trial date. What do you want to do? Are you asking for a continuance?

MR. CASE: Yes, we'll ask for a continuance based on the defendant's request, your Honor.

10:48 1 THE COURT: Okay. Do you have any objection?

2 MS. ELMILADY: Your Honor, I -- this is --

3 THE COURT: It's not going to be a long continuance.
4 It's going to be, like, next week.

10:48 5 MR. CASE: I understand.

6 THE COURT: You're set for trial. That's considering
7 that the United States doesn't object. Otherwise tee it up
8 today, it's time for trial.

9 MS. ELMILADY: Your Honor, I don't object. It's a
10 little -- one of those cases where we've worked so hard
11 together. It's a very extensive paper trail case with --

12 THE COURT: Right.

13 MS. ELMILADY: -- a lot of documents, lots of boxes.

14 THE COURT: Right.

10:48 15 MS. ELMILADY: And I've worked with the attorney
16 closely on this, and it was my understanding that we were
17 moving forward to plea this morning, until this morning. And,
18 so, with regards to trial, I'm the first one to announce ready;
19 but I had no idea we were not going to be ready this morning
10:48 20 for a plea.

21 So, I would -- I would -- as much as I would like
22 to not agree to a continuance, I would have to, just for my own
23 purpose of getting everything together in a presentable manner
24 for your Honor and for the jury, due to the fact that it is one
10:49 25 of those cases that involve a lot of paperwork.

10:49

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THE COURT: A lot of paperwork?

2

MS. ELMILADY: Yes, ma'am.

3

THE COURT: On both ends?

4

MS. ELMILADY: Yes, your Honor.

10:49

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THE COURT: So, what have we got?

6

Have you-all talked? Have you-all talked to this morning?

8

MR. CASE: Yes, ma'am.

9

10:49

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MS. ELMILADY: I talked briefly with him, and he was talking to his client. I literally got the message this morning that he wasn't going to plead this morning. And, so --

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12

THE COURT: Okay.

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MR. CASE: -- I called my agent to have her here in the event we needed to go -- I don't know. Just to be safe.

10:49

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THE COURT: When can we go to trial?

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MS. ELMILADY: I would -- I would need some time to organize all the paperwork. I would need -- I would request at least a month, your Honor, if that's possible. If not, that's okay. I'll work day and night on it to get it ready.

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10:49

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THE COURT: All right. How long is the trial going to be?

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MS. ELMILADY: I would suspect about three days, Judge.

23

24

MR. CASE: I agree with that, Judge.

10:49

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THE COURT: November 21 is a holiday. I was fixing to

1 say I -- I was, like, thinking to myself isn't that Presidents'
2 Day.

3 Three days, you guys?

4 MS. ELMILADY: Yes, your Honor.

5 MR. CASE: I believe so, Judge.

6 MS. ELMILADY: And, your Honor, just so I give
7 your Honor a heads up on what's going to happen, there are
8 superseding charges that I did not file because I was working
9 with the attorney since November on a plea. And at this point,
10 if we are going to trial, I just want to let your Honor know
11 that I will be superseding with at least two additional counts.

12 THE COURT: Okay. Then I need 30 more days after
13 that.

14 MS. ELMILADY: Yes. I just realized I should probably
15 tell you that.

16 THE COURT: This is January the 18th. When are you
17 doing the superseding --

18 MS. ELMILADY: I'll do that this next week or by next
19 Monday, for sure, I'll get it in.

20 THE COURT: Well, now tell me when for sure. Because
21 obviously, I need -- I mean, I need 30 days afterwards. So, it
22 won't be this week or next week, for sure.

23 MS. ELMILADY: Grand jury isn't really meeting very
24 often this week. So, I'm probably going to have to do it next
25 week, which would be January 26th. I can take it in then.

1 THE COURT: So, then that trial date, the February
2 21st date wouldn't work -- February 22nd, because that's not
3 more than 30 days.

4 Byron.

5 *(Sotto voce discussion at bench with court staff)*

6 THE COURT: All right. The new trial date is February
7 the 28th, 2011, at 1:30 p.m.

8 MS. ELMILADY: And, your Honor, I may just say -- oh,
9 sorry.

10 I just wanted to add that, because I've been
11 working so closely with Mr. Case on this case, we've actually
12 reached an amicable agreement until this morning. The
13 defendant, I believe, was probation eligible, and I wasn't
14 going to argue against it. And at this point I just want to
15 put on the record that all my offers and amicable dealings that
16 I've dealt with with Mr. Case regarding these things, I'm not
17 going to be able to, once I start preparing for trial, go back
18 and retract again.

19 THE COURT: Well, you know, I don't blame you. But I
20 mean --

21 MS. ELMILADY: I know. I'm just letting him know
22 because I've -- I've been working on this so hard and it's just
23 frustrating to be at this point. And for me have to not to be
24 ready in front of your Honor also --

25 THE COURT: That's fine. We don't have a plea.

1 You understand I get to choose the sentence in a
2 case like this. So, whatever discussions you guys have had,
3 none of that would be applicable in a situation in which there
4 might be conviction. Do you understand?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: All right. As long as we're all straight.
7 You-all don't have a deal. There's no pleas.

8 MS. ELMILADY: No, no. I wasn't going to recommend,
9 was my promise.

10 THE COURT: I know.

11 MR. CASE: Judge, just -- I'm sorry to interrupt,
12 Judge.

13 THE COURT: Yes, sir.

14 MR. CASE: But just to be clear, I would -- in an
15 overabundance of caution, like to make sure that Mr. Morris
16 understands the consequences of what's happening today.

17 THE COURT: Okay. Well, let me -- you want some help
18 from me in that regard?

19 MR. CASE: Well --

20 THE COURT: That's fine.

21 MR. CASE: Yes, that's fine.

22 THE COURT: Yes. Yes.

23 So, Mr. Morris, so, now, if you're not going to
24 enter a plea and whatever discussions or deal or suggestion
25 that Ms. Elmilady would have made to the Court with respect to

1 the appropriate range of punishment or appropriate punishment
2 in this particular case, any discussions along those nature or
3 any deal that you may have reached with her is off the table
4 now, you understand, if this case is proceeding to trial,
5 right?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And you understand that if you're not
8 pleading guilty, that if you go to trial that you're entitled
9 to have a trial by jury and have a presumption of innocence
10 with respect to the charges being brought against you in this
11 case. You understand that, right?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: And, so, I've reset the case for trial for
14 whatever date that I said, February the 28th. You understand
15 that?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: But you understand that if you are
18 adjudged guilty in that proceeding that it will be my decision
19 and my decision alone what the appropriate sentence will be in
20 this case?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Okay. And that there won't be any plea
23 with any suggestion from the United States as to what the
24 appropriate sentence is?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: You know if you go to trial you also do
2 not get any credit for acceptance of responsibility. There's
3 additional points that would be deducted if you pled guilty,
4 three additional points that would be deducted from your range
5 of punishment if you pled guilty; but you don't get any credit
6 for acceptance of responsibility if the case goes to trial.
7 You understand that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Okay. I just -- your lawyer wants to make
10 sure you understand how all that works so that there's no
11 confusion about it later on. You are entitled to a right --
12 you have a right to trial, and there's absolutely no problem in
13 us setting the case for trial. And, so, that's what I am
14 doing. I'm resetting it for trial for February the 28th, 2011,
15 at 1:30 p.m. And there's nothing wrong with that. That is
16 exactly what we're here to do every day of the week.

17 Okay. Continuance is granted.

18 MR. CASE: Thank you, Judge.

19 THE COURT: And I will see you guys on the 28th of
20 February.

21 MS. ELMILADY: Thank you, Judge.

22 MR. CASE: Thank you, your Honor.

23 *(Recess was taken from 10:56 a.m. to 11:34 a.m. while other*
24 *matters came before the Court)*

25 THE COURT: Please be seated.

11:34

1

I guess, you guys, come on up.

2

MR. CASE: Good morning again, Judge.

3

THE COURT: Good morning again.

4

MS. ELMILADY: Sorry to make you come back, your

11:35

5

Honor.

6

THE COURT: No.

7

On US versus Thor Morris, where are we now, then,

8

Mr. Case?

9

MR. CASE: Your Honor, the accused has informed me

11:35

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that he would like to change his plea from earlier today, from

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not guilty to guilty.

12

THE COURT: He didn't actually plead today. I mean,

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he can change his mind, I guess, about deciding whether or not

14

to enter a plea, I guess.

11:35

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MR. CASE: I guess so.

16

THE COURT: Yeah.

17

MR. CASE: So, that's where we are.

18

But, again, I would ask the Court to admonish him

19

again, because -- I want to be sure he doesn't change his mind

11:35

20

again.

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THE COURT: Admonish him again? I'm getting to ready

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to do the entire admonishment. But, again, if he --

23

Do you want to enter a plea or not?

24

THE DEFENDANT: Yes, ma'am.

11:35

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THE COURT: Okay. I'll go through the whole plea

11:35 1 process with you. Just a second. Just give me a minute.

2 All right. I understand you wish to enter a plea
3 of guilty in the case that's now pending against you in this
4 court. Is that correct?

11:36 5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Before I can take your plea, I need to ask
7 you some questions under oath. Raise your right hand to be
8 sworn, please.

9 THE CASE MANAGER: Do you solemnly swear the testimony
11:36 10 you'll give in this matter now before the Court will be the
11 truth, the whole truth, and nothing but the truth, so help you
12 God?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you understand, sir, that you're now
11:36 15 under oath and that if you answer any of my questions falsely
16 that your answers can be used against you in another
17 prosecution for perjury; that is, for telling a false
18 statement?

19 THE DEFENDANT: Yes, ma'am.

11:36 20 THE COURT: State your full name.

21 THE DEFENDANT: Thor Alexander Morris.

22 THE COURT: How old are you?

23 THE DEFENDANT: I'm 20 years old.

24 THE COURT: I'm sorry. Say it again.

11:36 25 THE DEFENDANT: Twenty.

11:36 1 THE COURT: And how far have you gone in school?

2 THE DEFENDANT: I'm currently enrolled in college. I
3 graduated --

4 THE COURT: You need to speak up. I can't hear you.

11:36 5 THE DEFENDANT: Sorry. I graduated high school, and
6 I'm currently enrolled in college.

7 THE COURT: Where are you in college?

8 THE DEFENDANT: At Coastal Carolina Community
9 College --

11:36 10 THE COURT: Okay.

11 THE DEFENDANT: -- in North Carolina.

12 THE COURT: All right. Have you ever been treated for
13 any mental illness or addiction to narcotic drugs of any kind?

14 THE DEFENDANT: No, ma'am.

11:37 15 THE COURT: Are you currently under the influence of
16 any medication, alcoholic beverage, or narcotic drug of any
17 kind?

18 THE DEFENDANT: No, ma'am.

19 THE COURT: Have you received a copy of the
11:37 20 indictment; that is, the charges that are pending against you
21 in this case?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Have you had a chance to go over those
24 charges with your lawyer, Mr. Case?

11:37 25 THE DEFENDANT: Yes, ma'am.

11:37 1 THE COURT: Are you satisfied with the counsel and
2 representation that your lawyer has provided to you?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Do you need any additional time to speak
11:37 5 with your lawyer, talk with your lawyer today before I take
6 your plea?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: Mr. Case, have you had sufficient time to
9 investigate the law and the facts concerning the case against
11:37 10 your client?

11 MR. CASE: Yes, ma'am, I have.

12 THE COURT: Has he been able to cooperate with you in
13 every way?

14 MR. CASE: Yes, ma'am.

11:37 15 THE COURT: Do you believe he understands the nature
16 of the charges pending against him?

17 MR. CASE: I do, your Honor.

18 THE COURT: Do you believe that he's competent to
19 enter a plea of guilty?

11:37 20 MR. CASE: I do, your Honor.

21 THE COURT: Do you know of any reason why he should
22 not plead guilty, of any meritorious defenses that he might
23 have to the charges pending against him?

24 MR. CASE: I do not, your Honor.

11:37 25 THE COURT: Is there any plea agreement in this case,

1 Ms. Elmilady?

2 MS. ELMILADY: There is not, your Honor.

3 THE COURT: All right. And, Mr. Morris, has anybody
4 made any promise or representation to you of any kind to induce
5 you to enter into a plea of guilty?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: Has anybody tried to force you to plead
8 guilty?

9 THE DEFENDANT: No, ma'am.

10 THE COURT: Do you understand the offense to which you
11 indicated you wish to plead guilty is a felony offense and that
12 if you are adjudged guilty of that offense that that
13 adjudication could deprive you of valuable civil rights, such
14 as the right to vote, the right to hold public office, the
15 right to serve on a jury, the right to possess a firearm of any
16 kind?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: The maximum possible penalty provided by
19 law for the crime to which you've indicated you wish to plead
20 guilty is a term of imprisonment of not more than five years
21 and a fine of up to \$250,000. Do you understand?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Do you understand that the Court can also
24 impose a period of supervised release, following any term of
25 imprisonment, of up to three years; that if you should violate

1 any of the terms or conditions of supervised release then you
2 can be imprisoned for up to two years without any credit for
3 the time already served before that violation occurred?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Do you understand -- Ms. Elmilady, what's
6 the deal? Is this a probatable offense or not?

7 MS. ELMILADY: I believe so, your Honor, it is.

8 MR. CASE: Yes, it is, your Honor.

9 MS. ELMILADY: Yes, your Honor.

10 THE COURT: What's the answer to my question?

11 MS. ELMILADY: Yes, ma'am. Yes, your Honor. Due to
12 his criminal history and the range of punishment it falls
13 under, it is a probatable offense.

14 THE COURT: Okay. Do you understand that you cannot
15 have your sentence suspended and that you are not eligible for
16 parole?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Do you understand, for each offense, you
19 must pay a special assessment of \$100; that is, \$100 for the
20 one count of conviction in this case?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: The sentencing commission has issued
23 advisory guidelines for judges, to help us determine the
24 sentence in a criminal case. Have you talked to your lawyer
25 about how the sentencing guidelines might work in your

1 particular case?

2 THE DEFENDANT: No, ma'am. But I feel I have -- I
3 understand the law enough.

4 THE COURT: What does that mean?

5 THE DEFENDANT: I'm sorry. Google?

6 THE COURT: He didn't talk to you about the sentencing
7 guidelines?

8 MR. CASE: I've given him the range. I didn't sit
9 down and go through the table with him; but he understands the
10 range of punishment, Judge.

11 THE DEFENDANT: Yes.

12 MR. CASE: Is that correct?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. You understand that I won't be able
15 to determine the appropriate sentence for your case until after
16 a presentence investigation report has been prepared and you
17 and your lawyer and the lawyer for the United States have had a
18 chance to review that report and make any objections to that
19 report that you might want to make?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: You understand that the sentence that I
22 impose might be different from any estimate that your lawyer
23 may have given to you?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Do you understand that after it's been

1 determined what guidelines apply in this case that I have
2 authority to impose a sentence that is more severe or less
3 severe than what is called for under the guidelines?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Do you understand that, under some
6 circumstances, you or your lawyer will have the right to appeal
7 any sentence that I impose?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Do you understand that parole has been
10 abolished in the federal system and that, if you are sentenced
11 to prison, you will not be released on parole?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Do you understand that if the sentence is
14 more severe than you expected that you will still be bound by
15 the plea and you will have no right to withdraw it?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Do you understand that you have the right
18 to plead not guilty to the offense charged against you and to
19 persist in that plea and, if you did so, you would have the
20 right to a trial by jury and at that trial you would be
21 presumed to be innocent and the government would have to prove
22 your guilt beyond a reasonable doubt and you would have the
23 assistance of counsel for your defense and the right to see and
24 hear all witnesses and have them cross-examined in your defense
25 and the right on your own part to decline to testify, unless

11:41 1 you voluntarily elected to do so, in your own defense and, if
2 you decided not to testify or put on any evidence at all, that
3 that fact could not be used against you in trial?

4 THE DEFENDANT: Yes, ma'am.

11:41 5 THE COURT: Do you understand that by entering a plea
6 of guilty that if that plea is accepted by this Court that you
7 will have waived or given up the right to trial by jury and all
8 of the other rights associated a trial by jury that I have
9 described to you?

11:41 10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: The charge to which you've indicated you
12 wish to plead guilty is under Count 1 of the indictment, fraud
13 and related activity in connection with computers, the elements
14 of which are that you knowingly and with intent to defraud
11:42 15 attempted to access a protected automated teller machine
16 without authorization and, by means of such conduct, intended
17 to defraud and attempted to obtain money from said protected
18 access device.

19 Do you understand what the government is claiming
11:42 20 that you've done to violate the law, sir?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Did you commit this crime?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Ms. Elmilady, would you please make a
11:42 25 representation concerning the facts that you would be prepared

1 to prove if this case were to proceed to trial?

2 MS. ELMILADY: Yes, your Honor.

3 If this case were to go to trial, the United
4 States would prove, beyond a reasonable doubt, that this
5 defendant, on April 22nd of 2010, traveled from Jacksonville,
6 North Carolina, to Houston, Texas, and Sergeant A. Noel Due,
7 acting in an undercover capacity as Leo, picked up the
8 defendant at the airport.

9 The defendant stated that he did not bring any
10 prepaid debit card that could be used to withdraw money upon
11 arrival of the target ATM and needed to go to Wal-Mart to put
12 money on a card prior to traveling to the first ATM to commit
13 the intrusion. In the Wal-Mart parking lot Morris changed
14 clothes, putting on a white button-down shirt with a design
15 pattern, another pair of blue jeans, white shoes, a baseball
16 cap, and a black wig in which he called his "Rick James" wig.

17 Defendant Morris and Sergeant A. Noel, also known
18 as Leo, in his undercover capacity still, went into the
19 Wal-Mart where Mr. Morris purchased a Wal-Mart Green Dot
20 prepaid debit card for \$3 and charged on the card \$410. The
21 defendant explained that the purpose of this was to have a \$400
22 to, quote, unquote, withdraw the money from the ATM fee in
23 order to commit the intrusion.

24 He then registered -- registered his card under
25 walmartmoneycard.com under the name of Barack Obama. The

1 defendant intended to gain unauthorized access at 35 ATM
2 machines which he requested Noel Due, in his undercover
3 capacity as Leo, to identify. And they were going to take
4 between 250,000 and 350,000 dollars throughout the day.

5 On April 22nd, upon arrival at the Mercado 6
6 shopping center, the defendant walked up to the ATM, he typed
7 in a specific code which resulted in the defendant being able
8 to access the "Enter Password" screen.

9 The defendant then made three attempts to enter
10 the default password which he had access to and that -- and
11 allowed him to gain unauthorized administrator access and to
12 complete the ATM function -- and to all -- access to all ATM
13 functions. He then attempted to gain unauthorized access by
14 entering another password which he had acquired and that he
15 learned through his knowledge and his research.

16 Subsequently, the FBI at this point interrupted
17 the defendant and arrested him without incident. At this
18 point, unauthorized access was obtained; and he was not
19 permitted to get into the main frame or even to attempt to
20 enter the password at that point.

21 The FBI has an expert that will come in here and
22 testify that the ATM was in working capacity at the time and
23 that, if Mr. Morris had attempted -- had fully -- did this
24 intrusion on this day, the intrusion would have been completed
25 and would have been successful and he would have stolen money

1 that he did not have permission to take.

2 THE COURT: All right. Mr. Morris, you've heard the
3 facts that the government has indicated it would be prepared to
4 prove against you if this case were to proceed to trial.

5 Having heard those facts, sir, how do you now plead to the
6 charges pending against you: guilty or not guilty, sir?

7 THE DEFENDANT: Guilty, your Honor.

8 THE COURT: All right. Then, it is the finding of
9 this Court in the case of the United States of America versus
10 Thor Morris that the defendant is fully competent and capable
11 of entering an informed plea, that the defendant is aware of
12 the nature of the charges and the consequences of his plea,
13 that his plea of guilty is a knowing and voluntary plea
14 supported by an independent basis in fact, containing each of
15 the essential elements of the offense. This plea is therefore
16 accepted, and the defendant is now adjudged guilty of the
17 offense charged in Count 1 of the indictment.

18 The Court orders that a presentence investigation
19 report be prepared. By May 22nd -- I mean, by February 22nd --
20 I'm sorry -- the initial report should be disclosed to counsel.
21 By March 8, counsel should object in writing or state there is
22 no objection. By March 22, 2011, the probation officer shall
23 submit to the Court a final presentence report with an addendum
24 addressing any contested issue.

25 Sentencing is set for May 9, 2011, at 9:30 a.m.

1 Mr. Case, if you want to be present with your
2 client for his interview, please let probation know today
3 before you leave.

4 MR. CASE: Yes, your Honor.

5 THE COURT: Anything else from the United States?

6 MS. ELMILADY: Nothing from the United States.

7 THE COURT: Anything else from the defense?

8 MR. CASE: Nothing from the defense, Judge. Thank
9 you.

10 THE COURT: Thank you. You-all are excused.

11 *(End of requested proceedings)*

12 * * * * *

13 COURT REPORTER'S CERTIFICATION

14 I certify that the foregoing is a correct transcript from
15 the record of proceedings in the above-entitled cause.

16 Date: August 5, 2011

17
18 /s/ Cheryll K. Barron

19 Cheryll K. Barron, CSR, CMR, FCRR
20 Official Court Reporter
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